

Brookline Preservation Commission
MINUTES OF THE FEBRUARY 11, 2014 MEETING
Community Room, Public Safety Building, 350 Washington Street

Commissioners Present:

James Batchelor, chair
David King, vice chair
Paul Bell
Elton Elperin
Judith Selwyn
Kirstin Gamble Bridier
Rosemary Battles Foy
Peter Kleiner
Giti Ganjei Saeidian

Commissioners Absent:

Wendy Ecker
Peter Ames

Staff: Jean Innamorati, Greer Hardwicke, Intern Elisheva Yardeni

Members of the Public: See list

Mr. Batchelor began the meeting at 6:42 p.m.

Ms. Bridier was appointed to vote for the absent Ms. Ecker.

Election of officers - Mr. Batchelor proposed continuing with the current officers. After brief discussion, Mr. Batchelor motioned, Ms. Selwyn seconded and the Commission

VOTED unanimously to continue with current officers.

APPROVAL OF MINUTES

Approval of the minutes of the November 12, 2013 meeting was postponed to the next Commission meeting to allow more time to review them.

PUBLIC HEARINGS – LOCAL HISTORIC DISTRICTS

173 Babcock Street - *Application for a Certificate of Appropriateness to enclose and expand second story rear (east) deck and stairs of house.* Anwar Kazmi, owner, was present at the hearing. Ms. Innamorati introduced the case and gave a report on the house, the deck and the proposed changes.

Dr. Selwyn stated that she realizes the proposed changes are minimally visible, but are nonetheless visible. She said what she sees as being referred to as a deck would be an extra room. The proposed room would obscure the existing rear bay-window. She finds that it is very awkward and not consistent with the existing architecture of the house. Mr. King concurred. Mr. Elperin stated that the proposed enclosed deck would be more visible than the existing one. Ms. Saeidian asked whether the rear bay-window could be incorporated into an addition. Mr. Kazmi answered that the shape of the bay-window will remain enclosed in the inner design. Mr. Bell asked how the stairs would be constructed. Mr. Kazmi explained that the small deck protruding from the enclosed area would be cantilevered over the existing posts.

Mr. Bell suggests a subcommittee. Dr. Selwyn said she would be against one at this time, believing the design is too far from the original feeling of the house to be worked with. Mr. Elperin agreed that the suggested design is so far away from anything they could agree to that there should be no more discussion of the design submitted. He suggested the applicant come back with a different design. Dr. Selwyn motioned to deny a certificate of appropriateness based on the inconsistency of the proposed work with the architecture and design of the house. Mr. King seconded. After more discussion, the Commission

VOTED unanimously to deny a Certificate of Appropriateness for the proposed work as submitted.

Boylston Street between 1033 Boylston Street and 76 Norfolk Road - Application for a Certificate of Appropriateness to construct new house on lot #5 of subdivided land. Attorney Jeffrey Allen, applicant Paul Holland and architect Paul Apkarian were at the meeting representing Fairway-Boylston LLC. Mr. Bell recused himself from the hearing due to a potential conflict of interest. Mr. Batchelor suggested presenting all three Boylston Street hearings together to prevent redundancy. A representative of abutters, James Wagner, said he believed there's a jurisdiction issue. Mr. Batchelor suggested following course and having public statements after the applicant's presentations. Mr. Batchelor appointed Mr. Kleiner to vote instead of Mr. Bell and Ms. Saeidian instead of Mr. Batchelor in the case he would need to leave the meeting before the end of the hearing. Ms. Innamorati introduced the cases and gave a report on the historic significance of the property.

Mr. Batchelor left the meeting.

Attorney Allen greeted the Commission and assured it that the applicant has no plans for other properties on the land at this time. He asked to clarify some points, that lot coverage in the district is 17%. The coverage in the suggested lot 5 is 17.42% and the other two suggested lot coverages are even smaller. The building height in the district is 33'-38'. The houses suggested are 33'6", 31'1" and 29'9". Architectural details match existing houses in the district. They are situated according to their placing next to a 4-lane high way.

Architect Paul Apkarian addressed the Commission. He said he conducted a study of existing houses in the neighborhood and explained how lot 5 is situated next to the pool house and has an existing curb-cut. For this lot he designed the house in the Colonial style, of which three houses in the neighborhood were shown for similarities. He did not try to mimic the pool house style, he said, as this style is the minority in the district. The garage doors are facing the road as this was the best solution he could find without over-crowding the lot. He said the house fits well with the existing slope of the lot. Mr. Apkarian continued by presenting the design for lot 4 - to be a gambrel roof, a style he said that is found in many houses in the area. In lot 2 the architect tried to keep the building height as low as possible since the house is situated at the lowest point in the lots. Attorney Allen asked that people refer their comments to specific lots.

Dr. Selwyn asked whether the driveway for lot 2 is located outside the lot's boundaries, to which Attorney Allen answered positively and added that the applicants were seeking an easement for that issue. Polly Selkoe, Assistant Director for Regulatory Planning, said this is referred to as a common driveway. Dr. Selwyn asked to see the grade elevations of lot 2.

Mr. Wagner introduced himself as an attorney representing neighbor Peter Bleyleben and other neighbors, and said he believes that there is a jurisdictional issue and that this is probably one of the Commission's first decisions on a subdivision in a historic district. He believes the Commission's mandate is to look at the entire issue. It is, he believes, surely the case that the developer is planning on many more houses and said looking at little pieces of it will cause a problem. There's a piece of lot 2 that is supposed to be built on lot 1 (the driveway). Mr. Wagner referred to Mr. Allen's argument, that the Commission has no power to look at the subdivision issue. It was clear to Mr. Wagner that this type of project is exactly why this LHD was designated. He suggested that no one house be considered before the entire project is shown to the Commission. He said one must consider that the adjacent modernist houses were built with consideration to their natural settings. The houses shown as similar to the suggested house plans by the architect were all on other streets, none were adjacent to the lots discussed. If the Commission looks at one lot at a time, he said it should consider this was a place with open space. That space is being impinged upon by the proposed plan. The houses that were meant to be in a woody place will be crowded by three story houses. They do not respect the heightened elevation caused by the hill they stand on. The suggested house- plans will dominate the area with their height. If the suggested lots are approved the Commission is dooming the lots behind them to be pork-chop lots and would be the only such lots in the entire district. The Commission should choose to look at the plans when the entire project is presented or to deny them completely.

Garry Timoshenko, an abutter, thinks the density of the suggested houses is significantly higher than that of neighboring houses. The neighboring houses are also much lower. The new houses will therefore loom over the existing houses. The retaining walls suggested are not in character to the neighborhood.

Neighbor Theo Melas-Kyriazi introduced himself as the head of the Chestnut Hill Neighborhood Association and said he thinks the decisions made on the suggested lots will affect the lots behind them. They will necessitate pork-chop lots and that they cannot be reversed once approved.

Karen Miller, abutter, commented that she can't look at three lots and understand what the whole project will be like. She was there when the neighborhood petitioned to become a Local Historic District. They got almost 100% support. She continued by comparing the suggested plans to Devon Road.

Peter Bleyleben, an abutter, stated that this is a huge project in comparison to the size of the district. It will have huge effect on the character of the district. He feels the Commission needs to know how this might change the district.

Michael Nader, an abutter, lives across from the lots discussed. He feels very strongly about looking at this as a whole and not every house individually. The houses suggested might be the least influential on the rest of the neighborhood. Once they are approved that will affect the rest of the project dramatically and therefore the rest of the neighborhood. The options left for the lots behind 5, 4 and 2 will be restricted. He stated that the neighbors don't oppose development of the property. They argue that for the protection of the district, they need to have a voice in the development, which will encompass roughly 10% of the land of the Local Historic District.

Denis Dewitt, Town Meeting member, said he thought it would be useful to look at the recent Walnut street case as an analogy. He believed the number of houses planned in for the Chestnut Hill area is too high.

Dr. Selwyn asked about the driveway. If the Commission were to allow a house on lot 5 there will be no driveway for lot 3a unless via a curb cut from Crafts Road. The Commission shouldn't go ahead with approving lot 5 because it essentially would be land-locking lot 3a. She said the same would be true for the other lots behind lot 2.

Mr. King asked about lot 4. Mr. Elperin answered that the Commission would be causing demolition by neglect by cutting off access to the house. Dr. Selwyn continued to say that she thought the application could not be considered complete without including the 3 other lots effected by these plans. Mr. Elperin remarked on the importance of consideration of the whole development instead of considering a few lots, which he agreed should not be the way. He believed the proposed plans completely ignore the context of the modernist houses next to them and don't convey any uniqueness in themselves.

Mr. King asked Associate Town Counsel John Buchheit, present at the hearings, if the Commission could look at the whole site. Mr. Buchheit answered that the developer has given the town a great deal of information about the project, that there are more than the three houses and that the Commission has asked for full disclosure. He said the Commission could ask for different designs. The developer takes a risk by showing just three houses at a time. He said still the developer has rights on the land so the Commission should not decide to prevent the whole development. The Commission would have to decide on these three parcels. He said the Commission should not deny the application on the basis of not seeing the whole picture.

Mr. King asked that it be noted in the record that the Commission believed that by requiring it to decide on some of the parcels but not the whole site, the applicant could in effect be creating remaining parcels for which there may not be solutions appropriate to the local historic district. Alternatively, if the applicant were willing to consider the whole parcel and alternative driveway and lot configurations, a greater good and more appropriate parcels might be been achievable.

Dr. Selwyn said she believed that in order to consider the proposals currently presented, the Commission would need to look at proposed changes to lot 1a where the driveway to lot 2 would be if approved. She suggested one way to avoid pork chop lots would be to make the lots bigger. She mentioned that an ANR plan could have lots that are unbuildable and said the mere fact that there have sites does not mean that all lots are buildable. Ms. Foy said she believes that the Commission has the right to work with the developer on different parameters and request more information. She said she didn't believe the Commission was given the chance to do so and said there are omissions in the information given. She said she concurred with other Commissioners remarks.

Mr. King asked Mr. Buchheit if the Commission cannot vote on a lot if it's proposed development effects a lot for which no proposal has been made. Dr. Selwyn said lot 3 has an existing house that may not be demolished. If lot 5 were approved there would be no driveway to that house unless a driveway from another road were built, thus affecting another lot for which there have been no applications for new work. Mr. Buchheit answered that the application should be changed to include these details and that he sees this basically as a technicality. Mr. Elperin asked about lot 9.

Dr. Selwyn said she understood that the lot recently was purchased by the applicant and added to the development proposal.

Ms. Innamorati pointed out that a letter has been sent to the developer asking for further information, needed for the Commission's review. Mr. Allen said this was untrue. He said there was a meeting where he confirmed with staff that all pertinent information needed for the February meeting has been submitted. He explained that the plans proposed are for the simpler lots and that is why they were addressed first and said issues with other lots might be solved with intervention from higher departments in the town. He said he believed driveways to be outside the Commission's review and so is changing lot sizes. He said the applicant is entitled to a decision for the three lots although he doesn't expect a decision to be made tonight. He said his team will provide all plans and details on retaining walls and other details within seven days. He would like to move on in a constructive way.

Polly Selkoe said that she was at the meeting Mr. Allen mentioned and said she did not say whether staff had all relevant information for the applications. She commented that, even without addressing the issues of pork-chop lots, missing information or other matters, it seems like the Commission might find the three lots proposed not in conformance to the design guidelines of the Local Historic District. She encouraged the Commission to vote on plans as presented only. She said if the Commission decided to appoint a subcommittee, she is sure the applicant would be willing to wave the 60-day rule in order to work with the Commission. Ms. Innamorati mentioned that the Commission could decide there isn't enough information to make a decision. Ms. Selkoe suggested thinking about the issues and taking a vote or appointing a subcommittee. Dr. Selwyn stated that she thought the houses on lots 5 and 4 could not possibly be approved because the garages face the street, and the same would be true for lot 2 as the driveway is proposed to be located in another lot. She said one reason these lots are problematic is because they are too small. She suggested the Commission not vote on these lots. Mr. Elperin stated that the lots are too close to the road and to each other. Ms. Bridier mentioned density and height as issues and that the houses should be compatible with others in the district but are as proposed in fact very different from their immediate surroundings. Dr. Selwyn said she thought the architecture to be like vegetable soup – i.e., a mish mash of elements. Ms. Saeidian commented that looking at the project as a whole seemed more sensible and that she concurred with her fellow Commissioners comments. She suggested rethinking the shape of the lots and considering a communal driveway.

After further discussion, Dr. Selwyn motioned to deny the application as presented for lot 5 because it does not meet the criteria of the Design Guidelines for Local Historic Districts and particularly because of the 2-car garage facing the road. An amendment was made by Dr. Selwyn to add to the motion the issues of the proposed wall next to the pool house, leaving access to lot 3a unresolved, the scale of the proposal and its style. Mr. Kleiner asked to amend the motion to include that these issues are made more problematic by the divisions of the lots. Dr. Selwyn amended the motion to include that the size of the lot makes the design more problematic. Mr. Elperin expressed concerns about the site of the house. Mr. King expressed concern about the height and scale of the houses, their orientation and closeness to Route 9. Mr. Elperin said he believed the application inappropriate for the area.

Mr. Elperin seconded the motion and the Commission

VOTED unanimously to deny the application as presented for lot 5 for the reasons explained in the motion, that the proposal does not meet the criteria of the Design Guidelines, the garage faces the road, the retaining wall too close to the adjacent house, the access to lot 3a is unresolved, because of the scale of the proposed house and its style, with the issues made more problematic by the size of the lot in the plan, the height and massing of the house, and its orientation and closeness to Route 9.

Boylston Street between 1033 Boylston Street and 76 Norfolk Road - Application for a Certificate of Appropriateness to construct new house on lot #4 of subdivided land.

Dr. Selwyn motioned to deny the design as presented for reasons identical to the ones given for lot 5, eliminating the items concerning the pool house and access to lot 3a. Ms. Bridier seconded and the Commission

VOTED unanimously to deny the design as presented for lot 4 for the reasons explained in the motion, namely that the proposal does not meet the criteria of the LHD Design Guidelines, the garage faces the road, because of the scale of the proposed house and its style, with the issues made more problematic by the size of the lot in the plan, the height and massing of the house, and its orientation and closeness to route 9.

Boylston Street between 1033 Boylston Street and 76 Norfolk Road - Application for a Certificate of Appropriateness to construct new house on lot #2 of subdivided land.

Dr. Selwyn motioned to deny the design as presented. Apart from reasons given in the cases of lot 5 and lot 4, there was also no provision of a driveway provided for this lot. The Commission does not have information on the retaining walls and full information was not given on changes in elevation needed for the lot plan. Mr. King said the house does not reflect the topography of the site where the hill drops away on the side and back of the lot. The houses are very close together for this district. The Commission recommends creation of a large enough lot to hold its own driveway or a different concept of the configuration of lots and driveways. The retaining walls will have a potential impact to the abutter to the west that the Commission is not in a position to evaluate. After further discussion, Mr. Elperin seconded and the Commission

VOTED unanimously to deny the design as presented for lot 2 for the reasons set forth in the motion, namely that the Commission recommends creation of a large enough lot to hold its own driveway or a different concept of the configuration of lots and driveways and does not have information on the retaining walls and full information was not given on changes in elevation needed for the lot plan. The house does not reflect the topography of the site where the hill drops away on the side and back of the lot. The houses are very close together for this district. The retaining walls will have a potential impact to the abutter to the west that the Commission is not in a position to evaluate.

Ms. Gamble Bridier left and Mr. Bell rejoined the Commission meeting .

239-241 Walnut St- *Continuation of an Application for a Certificate of Appropriateness to construct new two-family house in side yard of property.*

Ms. Innamorati stated that this is a continuation of a hearing when a subcommittee had been formed. Ms. Innamorati briefly reviewed the case history.

Rob Sokolov, the developer and a resident of the community is present. He states that what developers go through with the Commission is a good thing. He went through the process and this is his 9th meeting.

Architect, Michael McKay, stated that the applicant began with an application for two two-family houses. That design, he now agrees, was a disaster. They have come a long way since then. The original design was a Shingle Style and the comments were that the porch was too heavy, white and simplified. The pediments and number of columns have all been changed. Their new proposal has eliminated part of the porch. The roof design has been made cleaner. Elevations will be followed with a very small retaining wall. They are still open on the color scheme. Garages will be in the back with a common driveway to both units. The suggested house height is lower (total height) than that of the existing house on the lot.

Jacob Walters, attorney for owners of 233 Walnut Street and 238 Walnut Street spoke to the Commission. He was asked to convey that the house is too massive for the neighborhood. In a historic neighborhood there is an expectation that new houses fit the character of the district. The design is not questioned only the size. He asked that the house be about 2400 sqf per unit. A smaller house would require fewer cars perhaps. He believes that the original proposal was exaggerated so that the excepted proposal would still be quite big and so he suggests cutting down a bit more.

Rachel Selzer, an abutter, lives across the street. She concurred with Mr. Walters. She was involved in the process and likes the most recent plan best but the owners never indicated the scale that was so large.

Andy Olins, an abutter, addressed the size of each floor. There will be 3390 sq feet per unit. He claimed that in a previous meeting the developer stated the units will be 2580 each. Other houses in the row are roughly 3000 sq feet. There's been an attic bedroom added which would mean more kids which in turn will exacerbate the already existing problem Brookline has with schools.

Dorothy Ross, an abutter, concurs with Mr. Olins. There was supposed to be storage space in the attic not another bedroom. She would like to hear about the materials used in the house.

Simon Altonment, agrees with the comments made. The house is still too big for the surroundings. It has four floors which is very different from the houses in the neighborhood. Steven Seltzer at 236 Walnut Street feels the house design is much improved.

Jenifer Miller, an abutter at 234 Walnut Street, concurs with neighbors. She asked how much space will be between the existing house and the suggested one and whether the plan was to sell the units or rent them.

Denis DeWitt concurs. He thinks it would have been helpful to see the sketch-up from the right as well as a plan of both footprints- the existing house and the proposed one with other houses in the area. He believes the house suggested is still a tad too big. The roofs on the side aren't the same as the ones on the front. He liked the Victorian paint scheme.

Nick Johnston an abutter at 162 Walnut Street agrees with neighbors. He feels it is a matter of scale and should be more similar to the neighboring houses. The only reason not to reduce the scale is financial. The neighborhood has to fight back when it might be adversely affected.

Dave Hamlin, an abutter, mentioned that since other abutters were comparing the suggested house to other houses, a comparison should be made to the triple decker down the street. There are different houses in this neighborhood, some much bigger.

Mr. King discussed the subcommittee meetings. The process had significantly changed and improved the design of the house. Mr. Kleiner mentioned the general siting and massing have improved. He continued to say that the subcommittee did not focus on specific details like general placing and overall massing. Mr. Elperin told how the subcommittee considered elevation, size, etc; he doesn't think the new house will dominate over the existing one, although it is bigger. The design got better and better and he thinks it could go further. He does believe though the roofs add mass.

Mr. Battles Foy expressed concerns with the considerable opposition to the size. Dr. Selwyn complemented the work of the subcommittee and the architect. She asked to learn more about the lot size and zoning. Mr. McKay answered that this was a T5 zoning district and that they were significantly under the allowed ratio of lot size to housing. The height won't change much if we eliminate the attic.

Dr. Selwyn said that while the house is four stories high it is facing Route 9 and therefore not considered too big and not really impacting anyone. Mr. King noted that people wanted it to be a single family house and the original plan was for two two-family houses.

Ms. Battles Foy liked that this lot is an oasis of smaller houses but is happy with the work of the subcommittee.

Ms. Ganjei Saeidian asked what the footprint is and was answered- 2600 sq. feet. Mr. Elperin feels this is not huge; it is just a shock to see a new house in an empty lot. Mr. Bell stated that he thinks the massing is reasonable and he sees the attic space and basement as efficient use. Because the house is perched on the slope the way it is the design is putting in more living space without making the house higher. There's still a lot of green space around.

Mr. Sokolov noted that the communal driveway allowed them to save a lot of open space and existing trees. Mr. Bell thinks the design is much better but he doesn't like the notch on the west side of the house's second floor. Mr. DeWitt thinks the front works better than the sides. Ms. Battles Foy agreed that that little piece should be simplified. Mr. Kleiner discussed how the subcommittee talked about other directions in design but he agreed that the design is good although it could take further refinement. Ms. Ganjei Saeidian asked about colors and suggested more muted colors.

Mr. Kleiner motioned, Mr. Bell seconded and the Commission

VOTED unanimously to accept the basic design as proposed with further refinement and review, especially of roof and materials with final decision of approval left to the subcommittee. The sub-Commission is given the final decision for approval.

Mr. Kleiner motioned to adjourn meeting at 10:02 p.m. Mr. Bell seconded and the Commission unanimously agreed.

Respectfully submitted,

Greer Hardwicke
Acting Secretary for the Commission

Approved April 8, 2014